

RULE GOVERNING USE OF DIGITAL SIGNATURES
BY AUTHORIZED COURT PERSONNEL

1. **Statutory authority.** This rule is promulgated under the authority of Neb. Rev. Stat. § 86-611(3) (Cum. Supp. 2004).

2. **Purpose.** The purpose of this rule is to establish standards for use of digital signatures by authorized personnel of the Nebraska Courts.

3. **Scope.** This rule shall apply to all Nebraska judges and court personnel authorized to use digital signatures. The use of digital signatures is not mandated by this rule but is available to authorized court personnel who wish to utilize this technology.

4. **Authorized Court Personnel.** For purposes of this rule governing the use of digital signatures, authorized court personnel shall be defined as, and limited to, the following persons only:

- a. district court judges,
- b. separate juvenile court judges,
- c. county court judges,
- d. workers' compensation court judges,
- e. clerks of the district court,
- f. clerk magistrates,
- g. clerk of the workers' compensation court, and
- h. judicial administrators

5. **Acceptable technology and practices.** For a digital signature to be valid for use under this rule, it must be created by technologies and practices that are accepted for use by the Nebraska Supreme Court and conform to the definitions set forth below:

- a. unique to the person using it;
- b. capable of verification;
- c. under the sole control of the person using it;
- d. linked to data in such a manner that if the data is changed, the digital signature is invalidated; and
- e. conforms to the rules governing use of digital signatures adopted and promulgated by the Nebraska Supreme Court.

6. **Terms of use.** Digital signatures may be used by authorized court personnel in the issuance of all documents produced:

- a. By the JUSTICE system or automated Docket application under the control of the JUSTICE system, including, but not limited to, orders and warrants.
 - i. The JUSTICE system and the Docket application are maintained by the Nebraska Supreme Court for exclusive use by authorized court personnel.
 - ii. JUSTICE is the Nebraska Supreme Court's Case and Financial Management System for Nebraska trial courts. JUSTICE is not available in the Douglas County District Court, the Douglas County Separate Juvenile Court, or the Nebraska Workers' Compensation Court.

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iii. Docket is a JUSTICE system application which provides interactive programs designed to record judicial proceedings in the courtroom thereby creating a printed record for a judge to digitally sign and issue an official document.

b. By the Nebraska Workers' Compensation Court Case Management System under the control of the Nebraska Workers' Compensation Court, including, but not limited to, orders.

i. The Nebraska Workers' Compensation Court Case Management System provides interactive programs designed to support the court's adjudicatory and administrative functions.

ii. The Nebraska Workers' Compensation Court Case Management System is maintained by the Nebraska Workers' Compensation Court for exclusive use by authorized court personnel.

c. By the Douglas County Case Management System (DCCMS) under the control of the Douglas County District Court and the Douglas County Separate Juvenile Court, including, but not limited to, orders and warrants.

i. The DCCMS system is maintained by DOT.Comm for exclusive use by authorized court personnel of the Douglas County District Court and the Douglas County Separate Juvenile Court.

ii. DCCMS is the Douglas County District Court, Douglas County Separate Juvenile Court, and Douglas County Clerk of District Court's system application which provides interactive programs designed to support the court's adjudicatory and administrative functions.

d. For all procedural and statutory purposes, a document with a digital signature by authorized court personnel shall have the same force and effect as a document with a manual or handwritten signature by the same authorized court personnel.

e. Unauthorized use of any court's case management system will invalidate the document which was issued through the unauthorized application.

f. The designated original of any document is the case file copy with the digital signature affixed by the authorized court personnel and file stamped by the clerk.

7. **Authority.** Only the Nebraska Supreme Court may promulgate rules governing the use of digital signatures for authorized court personnel. Any other rule, regulation, or policy now in effect purporting to govern the use of digital signatures by authorized court personnel is superseded by this rule.

8. **Local rules.** Each county court, district court, and the Nebraska Workers' Compensation Court, by action of a majority of its judges, may from time to time recommend a local rule governing the use of digital signatures by authorized court personnel in each applicable judicial district and Nebraska Workers' Compensation Court which is not inconsistent with this rule or inconsistent with any directive of the Supreme Court or statutes of the State of Nebraska. Such recommended rule shall be submitted in writing and on a disk in a Microsoft Word compatible format. Any such recommended rule shall not become effective until approved by the Supreme Court and published in the Nebraska Advance Sheets.

Adopted July 19, 2006.